

MINUTES
SPECIAL MEETING
CITY PLAN COMMISSION

OCTOBER 29, 2007

The City Plan Commission of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Chairman Harold Sanger presiding. Upon roll call, the following responded:

Present

Harold Sanger, Chairman
Steve Lichtenfeld, Aldermanic Representative
Michael A. Schoedel, City Manager
Jim Liberman
Debbie Igielnik
Marc Lopata
Scott Wilson

Absent:

None

Also Present:

Catherine Powers, Director of Planning & Development Services
Jason Jaggi, Planner

Chairman Sanger welcomed everyone to the meeting and asked that conversations not take place during the meeting and that all cell phone and pager ringers be turned off.

CITY BUSINESS – TRANSIT ORIENTED DEVELOPMENT (TOD) OVERLAY DISTRICTS (FORSYTH AND CENTRAL STATIONS)

Catherine Powers explained that drafts of the proposed TOD Overlay District regulations have been previously presented; however, due to lengthy agendas, in-depth discussion had not taken place. She stated the regulations governing the Forsyth Station will be reviewed first.

Jason Jaggi presented a map depicting the proposed boundaries for the Forsyth Station Overlay District.

Chairman Sanger asked Jason to point out the different zoning designations within the proposed district.

Jason Jaggi presented the properties within the proposed district that are zoned HDC, C-2 and R-4. He stated that the current Clayton Plaza Overlay District would dissolve upon the

adoption of the Forsyth Station Overlay District. Jason noted that The Crescent and the Plaza in Clayton projects are not included in this proposed overlay district because they are new buildings.

Chairman Sanger asked if there is a general area used when determining boundaries.

Catherine Powers indicated that ¼ mile is the typical distance.

Chairman Sanger stated that he is having a bit of trouble with the northern boundaries.

Jason Jaggi explained that the Bracken Building, which is not included in the district, is zoned R-2 and that the Washington University parking garage is split into three different zoning districts.

Chairman Sanger asked about the R-4 section along Forsyth.

Catherine Powers explained that this section is associated with the buildings that front Forsyth, which are zoned C-2.

Jim Liberman asked Jason to depict the location of Colorado Avenue on the map.

Jason Jaggi provided the location.

Steve Lichtenfeld asked why Colorado Avenue was included in Section 5a.7.

Catherine Powers stated that Colorado Avenue was included in error.

Chairman Sanger asked if LEED certification was included in the original draft of the document.

Catherine Powers replied “no”. She stated it was recently added.

Jim Liberman referred to Section 5a.4 which states that automobile agencies are not permitted.

Jason Jaggi stated it is believed that auto agencies are contrary to what a TOD is all about.

Marc Lopata commented that some individuals rent cars just for weekends.

Catherine Powers stated that the prohibition has been in and out of the document. She stated staff is looking at prohibiting stand-alone auto agencies. She stated that certain types of operations can be considered or that they can be permitted with a conditional use permit.

Jim Liberman mentioned earlier discussions about lowering the height of buildings as they get closer to Forsyth, but that he does not see that mentioned in this document.

Catherine Powers referred to Section 5a.7, which requires stepping back to mitigate height.

Jim Liberman stated he believes that language is “fuzzy”.

Steve Lichtenfeld commented that earlier discussions also included buildings “stepping down” from south to north and the possibility of not allowing buildings on Forsyth to be taller than The Crescent.

Catherine Powers stated that additional height may be needed due to cost of land. She suggested the possibility of the “step-down” requirement.

Jim Liberman asked about the C-2 section on the north side of Forsyth.

Catherine Powers stated the height is limited to 7 stories with additional height being allowed through the Planned Unit Development (PUD) process.

Jim Liberman voiced his concern with height on Forsyth, in fairness to the neighbors to the north, including him.

Marc Lopata asked if the major differences in this TOD from the base zoning are parking and FAR.

Catherine Powers agreed. She stated that there are also some exceptions to height.

Marc Lopata stated he recommends LEED Certification and referred to the standard language contained in the last paragraph of Section 5a.11.

Catherine Powers agreed, stating that similar language is contained in the existing PUD regulations.

Marc Lopata asked what happens if a project commits to LEED Certification and does not achieve certification. He stated that in Seattle, if a project does not achieve certification and had committed to do so, they are assessed a financial penalty with the fines going into the City’s sustainability fund.

Steve Lichtenfeld referred to the last sentence of Section 5a.5. He asked about the CUP requirement for surface lots/garages. He asked if the current C-2 designation also requires a CUP for a surface lot/garage.

Jason Jaggi indicated that surface lots/garages are permitted in the C-2 District.

At this time, a brief discussion regarding the term “structure” ensued. Steve Lichtenfeld commented that he would not believe that a surface lot would be considered a “structure”.

The term “off-street parking and loading requirements” was discussed. Mike Schoedel asked if the words “loading” should be eliminated.

Catherine Powers stated that the language is the same as is in the base zoning.

Steve Lichtenfeld asked if the parking study is to be paid for by the developer.

Catherine Powers replied “yes”. She stated that language could be added to indicate such.

Steve Lichtenfeld asked that the word “professional” be added before “parking engineer”. He referred to Section 5a.8, asking the current Floor Area Ratio (FAR).

Catherine Powers replied 1.5.

Chairman Sanger asked if anyone in the audience had any comments or questions.

Tyler Stephens, architect (Core 10 Architecture), indicated the huge effort that goes into LEED Certification. He stated that once certification is required, that leveling to Silver or Gold is not much more difficult and that it would be the goal to achieve as much as possible. He stated he believes requiring a Silver or Gold level would place an undue burden on the developer. He stated that with regard to height, parking and lot dimensions, the size of the lots on the south side of Forsyth would only allow for 2 rows of parking, whereas the North side one could possibly get 3 rows. He stated that if the goal is to provide retail (at 1:300); there is limited space for parking. He stated that the 7 stories will be maxed out quickly when parking is considered, unless, of course, all the parking is underground. He asked that some thought be given to allowing more than 7 stories on the north side of Forsyth, 14 stories on the south side of Forsyth, 21 stories along the north side of Carondelet and 32 stories on the south side of Carondelet. He stated the south side of Forsyth warrants more than 7 stories.

Jim Liberman asked Tyler what he thought the height should be along Forsyth from Lyle to Hanley.

Mr. Stephens replied “about 11 stories”.

Steve Lichtenfeld reminded everyone that the number of parking spaces required for a TOD development can be reduced.

Mr. Stephens indicated that would be helpful.

Steve Lichtenfeld suggested encouraging larger blocks of development.

Mr. Stephens commented that the cost of land in this area has skyrocketed.

Steve Lichtenfeld stated that Tyler made a good point proportionately stepping-down, but not a straight line and allowing slightly taller buildings on the south side of Forsyth than on the north.

Marc Lopata commented that a PUD is always an option.

Catherine Powers agreed. She indicated that staff can incorporate the comments into the document and put this back on the agenda for November 5th.

Marc Lopata asked if LEED Certification will be required or if another type of certification can be utilized.

Catherine Powers stated that staff is not aware of other certifications.

Marc Lopata indicated that in Seattle, the director can authorize another type of certification.

Catherine Powers stated that an applicant could make an argument to the Plan Commission to allow another type of certification.

Steve Lichtenfeld referred to development in the center of the CBD versus the periphery; he indicated that it seems like more development is on the periphery and as such we could end up with a “donut”. He asked that development be encouraged in the center, as residential properties are right up on the periphery.

Catherine Powers reminded the members that there is no height limitation in the High Density Commercial (HDC) District.

Mike Schoedel commented that the County owns many parcels in the center.

Being no further discussion regarding the proposed regulations for the Forsyth Station TOD, the Commission began discussion regarding the proposed regulations for the Central Avenue Station TOD.

Catherine Powers asked Jason to present the map of the proposed boundaries.

Jason Jaggi presented the map, stating that he believed the Commission was agreeable to the boundaries as presented at the last meeting, as this is a more straightforward area than that of the Forsyth TOD District. He stated the area is zoned HDC, with the exception of the western portion which is zoned R-7 (High Density Multiple Dwelling District). He indicated that the area only includes the west side of Bemiston Avenue.

Steve Lichtenfeld referred to Section 6a.8, asking if it should read the “east” side of Brentwood Boulevard.

Catherine Powers replied “yes”. She stated that PUDs are required for all development activity within this district.

Chairman Sanger asked if there will be a shuttle between the two stations.

Mike Schoedel replied “no”; he stated that issue was discussed; however, it becomes a maintenance cost issue.

Jim Liberman asked about height on the north side of Forest Park Parkway.

Catherine Powers stated that the area is already zoned for maximum height and that tall, high density development is desired.

Steve Lichtenfeld commented that if the two district maps are put together, they almost overlap. He asked if there would be any reason to connect these two districts along the Parkway, although he is not sure where the northern boundary would be.

Marc Lopata stated he was thinking the same thing and extending the area further to the east.

Jason Jaggi indicated that staff is trying to get projects that directly relate to each of the MetroLink Stations. He reminded the members that ¼ mile is generally accepted, but are tailored to fit the particular environment.

At this time, a discussion ensued about the district boundaries. Jason Jaggi asked that the members consider the walk ability factor.

Scott Wilson asked who would benefit the most if the area is broadened.

Jason Jaggi stated that staff could look at the idea of linking the two districts.

Scott Wilson asked if any property owners within the districts have a problem with the implementation of these Districts.

Catherine Powers stated that a public hearing will be held and notification sent once they drafts are finalized and ready for adoption proceedings.

Mike Schoedel commented that Hanley Road, which is a County road, separates the eastern portion of the city from the central part of the city.

Chairman Sanger stated he does not believe that individuals on the west side of Hanley would use the Forsyth Station nor would the individuals on the east side of Hanley use the Central Avenue Station.

Jim Liberman asked who has control over the lights along Hanley.

Jason Jaggi indicated that the County has control over those lights.

Steve Lichtenfeld suggested that each area meet at Hanley Road.

Mr. Stephens asked if the purpose of these regulations is to encourage development.

Catherine Powers replied “yes; a certain type of development {transit oriented}”

Mr. Stephens asked if the only benefit here is a reduction in parking.

Catherine Powers indicated that an additional benefit is the elimination of FAR.

Chairman Sanger asked staff to look at extending the boundaries, make changes pursuant to the comments made during this meeting and bring back for another review.

OUTDOOR DINING STANDARDS

Catherine Powers informed the members that the current outdoor dining season runs from March 1st through December 21st and that last year, the Standards were revised to permit outdoor dining when the temperature was at or above 60 degrees. She stated that the Commission is now being asked to consider allowing outdoor dining when the temperature is at or above 50 degrees for those restaurants that have their outdoor dining on public property and, for those restaurants that have outdoor dining on private property, to allow year round outdoor dining. She stated that about half of the restaurants with outdoor dining have it on private property. She reminded the members that with permission from the City Manager, restaurants can expand their outdoor dining on Fridays and Saturdays. Catherine asked the members to refer to the memorandum from Public Works Director Paul Wojciechowski, which was included in their agenda packets.

Steve Lichtenfeld asked the reason for allowing outdoor dining when the temperature drops to 50 degrees.

Catherine Powers indicated that some restaurant owners have stated that their customers would like to sit outside when the temperature is 50 degrees. She stated that over the previous off-season, there were only two days when the temperature dropped to 60 degrees.

Chairman Sanger asked about propane heaters.

Catherine Powers stated that propane heaters are allowed with a permit from the Fire Department, but only on private property (not on City right-of-way).

Jim Liberman commented that 50 degrees means no snow. He asked how big of a maintenance issue this is.

Catherine Powers indicated that it is a big maintenance issue.

Mike Schoedel commented that over the past few years, the outdoor dining has expanded and that enforcement and monitoring of the regulations are challenges, as one or two restaurant owners have been known to leave their furniture and barriers outside during the off-season.

Chairman Sanger asked if any of the restaurants outdoor dining is located on both public and private property.

Jason Jaggi replied “yes”. He stated that along DeMun the line runs down the middle.

Mike Schoedel stated that about 8 months ago, the Board of Aldermen asked staff to re-review the Standards. He stated that the City has made a commitment to helping out the restaurant owners.

Catherine Powers stated there is a distinction between outdoor dining and outdoor storage.

Jim Liberman voiced his concern about non-repairable sidewalks.

Ms. Ann Gillardo (City Coffee House) addressed the Commission. She told the members that outdoor dining is very important to her business. She stated that she is not sure if her outdoor dining is on public or private property.

Mike Schoedel commented that there is a very active group who would like to see limited outdoor dining (mentioning the difficulty of walking down Central Avenue).

Being no further questions or comments, Jim Liberman made a motion to recommend approval of the revised Standards as proposed. The motion was seconded by Debbie Igielnik and unanimously approved by the members.

Chairman Sanger asked if there were any pending appeals.

Catherine Powers stated that there is an appeal to the Board of Aldermen of their decision to grant a conditional use permit for 8023 Crescent for a second unit.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 7:10 p.m.

Recording Secretary